IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.6740 -M of 2007

DATE OF DECISION: FEBRUARY 1, 2007

Avtar Singh

...PETITIONER

VERSUS

State of Punjab and others

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. H.N.S.Gill, Advocate,
for the petitioner.

...

The petitioner has filed this petition under Section 482 Cr.P.C. for issuing direction to respondents No.1 to 4 to register a criminal case against respondents No.6 to 11.

It has been alleged in the petition that the petitioner is owner in possession of the land measuring 8 kanals situated in village Fatehullahpur, Tehsil Kharar, District Mohali. It is the case of the petitioner that respondent No.8 is interfering into the possession of the petitioner on the basis of an agreement of sale executed by the petitioner. In the petition, it has also been alleged that the wife of the petitioner has already filed a civil suit for injunction in which respondent No.8 is the party and the order of status-quo has been passed. It is further the case of the petitioner that in spite of the order of status-quo, respondent No.8 is interfering into the possession of the petitioner and trying to raise construction.

In view of the aforesaid facts, in my opinion, no direction for registration of a criminal case against respondent No.8 can be issued as the

matter is purely of civil nature and a civil suit has already been filed by the wife of the petitioner. Therefore, I do not find the instant case as an exceptional case for issuing the aforesaid direction in exercise of inherent powers under Section 482 Cr.P.C.

Dismissed.

February 1, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE